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F A X T R A N S M I T T A L

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Date	Total pages	Attorney number	Client/matter number
August 17, 2006	48		
To	Company	Fax number	Telephone
Commissioner for Patents	PCT Legal Office	571-273-0459	
From		Fax number	Telephone
Robert P. Udall (Reg. No. 56,608)		212.355.3333	212.813.8840

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office's Official facsimile number 571-273-0459 on the date below.

Robert Udall 8/17/2006
 Robert P. Udall Date

Patent Application No. : 10/551,661
 Filing Date : September 30, 2005
 Inventor : Lewis Cheng et al
 Atty. Docket No. : 102907-437-NP
 Int'l Appl. No. : PCT/US2004/10027
 Int. Appl. Filing Date : April 01, 2004
 Title : ADVANCED VERSATILE LAYOUT AND RENDERING
 SYSTEM
 I. A. Filing Date : 04/01/2004
 Priority Date : 04/01/2003

Submitted herewith are the following items to be filed in the above-noted application:

1. Petition Pursuant to 37 CFR 1.47(a) with Exhibits A-D;

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2. 37 CFR 1.47(a) Petition Fee;
3. Declaration of Inventorship & Power of Attorney;
4. Dr. Robert P. Udal with Exhibits C-1 through C-7; and
5. Petition for Extension of Time.

Respectfully submitted for Applicant,

Robert Udal

Robert P. Udal (Reg. No. 56,608)
Richard I. Samuel, Esq. (Reg. No. 24,435)
GOODWIN PROCTER LLP
599 Lexington Avenue
New York, New York 10022
212- 813-8840

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Robert P. Udal 8/17/2006
Robert P. Udal Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. : 10/551,661
Filing Date : September 30, 2005
Inventor : Lewis Cheng et al
Atty. Docket No. : 102907-437-NP
Int'l Appl. No. : PCT/US2004/10027
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SYSTEM
I. A. Filing Date : 04/01/2004
Priority Date : 04/01/2003

**Mail Stop PCT
Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

PETITION UNDER 37 CFR § 1.47(a) FOR FILING ON BEHALF OF NON-SIGNING INVENTOR(S)

In response to the Notification of Missing Requirements Under 35 USC 371 mailed on 26 May 2006 from the United States Designated/Elected Office (DO/EO/US), Applicants hereby submit a Petition Pursuant to 37 CFR § 1.47(a) for Filing on Behalf of Non-Signing Inventor(s) and authorization to charge the petition fee to the Goodwin Procter Deposit Account. See **Exhibit A** for a copy of the Notification of Missing Requirements. A petition and authorization to charge the fee for one month extension of time pursuant to 37 CFR § 1.136(a) are concurrently filed to extend the time period for response from 26 July 2006 to 26 August 2006.

BACKGROUND

On 30 September 2005, Applicant, PLANETii Inc. (hereinafter "PLANETii"), doing business at 8/F, Enterprise Square 3, 39 Wang Chiu Road, Kowloon Bay, Hong Kong, filed with

the United States Patent And Trademark Office ("USPTO"), *inter alia*, basic national fee and a Transmittal Letter to The United States Designated/Elected Office (DO/EO/US) concerning a Filing Under 35 USC 371, naming Lewis Cheng, Joseph Fusion, and Kyung Lee as co-inventors. No an oath or declaration was filed.

On 26 May 2006, the U.S. Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements requesting the (1) oath or declaration and, (2) the surcharge set forth in 37 CFR 1.492(h) for small entity in compliance with 37 CFR 1.27.

In response to the Notification, the Applicant hereby petitions the Commissioner to accept the filing of the above-identified application by it, as the party to which the invention disclosed and claimed in this application rightfully belongs, and on behalf of and as agent for inventors Joseph Fusion. In support of this Petition and attached hereto as **Exhibit B** are copies of a combined Declaration and Power of Attorney signed by Lewis Cheng, and an addendum executed by Lewis Cheng, Cofounder and Partner of the 37 CFR 1.47(b) Applicant, PLANETii Inc.

Also submitted in support of the this Petition is a Declaration by Dr. Robert P. Udal, Applicant's patent agent in this case, to provide proof of the pertinent facts and to describe the efforts made to obtain the Mr. Fusion's signature. A copy of the Declaration of Dr. Udal is hereto attached as **Exhibit C**.

Also submitted are Patent Assignment papers signed by Lewis Cheng and Kyung Lee, but not Joseph Fusion. The signed Patent Assignment papers are hereto attached as **Exhibit D**. The signed Patent Assignment papers further support the statement that the 37 CFR 1.47(b) Applicant, PLANETii, is the owner of the invention disclosed in the above-noted application and therefore has sufficient proprietary interest in the application for patent.

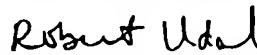
Based on the aforementioned Declarations and documentary evidence inventor Joseph Fusion, by his behavior, has refused to execute the application papers. As of the mailing date of this Petition neither the Applicant, PLANETii, nor the Applicant's legal representative, Goodwin Procter, has received signed application papers from Mr. Fusion. It is unlikely that Mr. Fusion will send executed documents to the Applicant before or after the time period for response to the Notification of Missing Requirements expires.

Therefore to preserve the rights of the parties and to prevent irreparable damage it is necessary for PLANETii to make application on behalf of and as agent for the non-signing inventor pursuant to 37 C.F.R. § 1.47(a).

Should the United States Designated/Elected Office (DO/EO/US) require or consider it advisable that further action by or a personal discussion with the Applicant might be helpful in advancing this case, the United States Designated/Elected Office (DO/EO/US) is invited to telephone the undersigned.

The Commissioner is authorized to charge all required fees, including the petition fee, time extension fees, any additional fees, or credit any overpayment to Deposit Account 06-0923.

Respectfully submitted for Applicant,



Robert P. Udal (Reg. No. 56,608)
Richard I. Samuel, Esq. (Reg. No. 24,435)
GOODWIN PROCTER LLP
599 Lexington Avenue
New York, New York 10022
212- 813-8840

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0861-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

200

Complete if Known

Application Number	10/551,661
Filing Date	30 September 2005
First Named Inventor	Lewis Cheng et al
Examiner Name	
Art Unit	
Attorney Docket No.	102907-437-NP

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 06-0923 Deposit Account Name: Goodwin Procter LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
Extra Claims		
Fee (\$)		
Fee Paid (\$)		

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition Under 37 CFR 1.47(a)**Fee Paid (\$)**

\$ 200

SUBMITTED BY

Signature	<u>Robert P. Udall</u>	Registration No. (Attorney/Agent)	56,608	Telephone	212-813-8840
Name (Print/Type)	ROBERT P. UDALL	Date	8/17/2006		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/22 (12-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**FY 2005***(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).)*

Docket Number (Optional)

102907-437-NP

Application Number 10/551,861

Filed 30 September 2005

For **ADVANCED VERSATILE LAYOUT AND RENDERING SYSTEM**

Art Unit

Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ <u>\$60</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ <u> </u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ <u> </u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ <u> </u>
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ <u> </u>

☐ Applicant claims small entity status. See 37 CFR 1.27.☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 06-0923. I have enclosed a duplicate copy of this sheet.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**I am the ☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).☒ attorney or agent of record. Registration Number 56,608☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

Signature

17 August 2006

Date

Robert P. Udall

212-813-8840

Typed or printed name

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,661	Lewis Cheng	102907-437-NP

INTERNATIONAL APPLICATION NO.

PCT/US04/10027

I.A. FILING DATE	PRIORITY DATE
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04/01/2004

04/01/2003

Patrice A King
GOODWIN PROCTER
103 Eisenhower Parkway
Roseland, NJ 07068

CONFIRMATION NO. 4597

371 FORMALITIES LETTER



0C000000018856426

Date Mailed: 05/26/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/30/2005
- Copy of the International Search Report filed on 09/30/2005
- U.S. Basic National Fees filed on 09/30/2005
- Priority Documents filed on 09/30/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,

Page 2 of 2

WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,661	PCT/US04/10027	102907-437-NP

FORM PCT/DO/EO/905 (371 Formalities Notice)

Exhibit B